



The Child Advocate

A Quarterly Publication of the Rhode Island Office of the Child Advocate

Volume 1, No. 1

Winter 2007

MESSAGE FROM THE CHILD ADVOCATE

The policy and practice changes contemplated for the Department of Children Youth and Families in the Governor's most recent Budget Requests (FY 2007 Supplemental and FY 2008) will have a devastating impact on the most vulnerable people of our state, namely, the children who are abused and/or neglected. Rhode Island can ill afford to abandon its youth by failing to meet their needs. The sweeping changes that have been proposed should serve as a call to all Rhode Island citizens to mobilize with urgency to oppose the implementation of any proposal which will prove detrimental to the safety and well being of children and youth.

The proposed plan to amend the jurisdictional age limit for youth in DCYF care to age 18 and drop those who are 18 on July 1, 2007 from DCYF care is morally irresponsible. Today, the average 18 year old person is not totally self-sufficient. A child who has been taken from his or her family and left in state care without permanency has no one to whom to turn for emotional or financial support. To abandon our youth in care by aging them out of the child welfare system prematurely is wrong. We should continue to support the programs that will give our youth in care an opportunity to become strong, active and engaged citizens of our state.

The proposal to restrict the investigations of reported incidents of child abuse and neglect to incidents involving youth 15 years old and younger except in cases of alleged sexual abuse or sexual

exploitation or alleged institutional abuse is yet another policy which ignores the realities of how sexual abuse or sexual exploitation can begin. Oftentimes, children can be intimidated by perpetration of abuse long before the inception of sexual abuse or exploitation. Failure to investigate allegations of abuse may lead later to greater crimes against children in our state. Again, our duty is clear; we must protect children, no matter their age.

Finally, the proposal to delay construction of the Rhode Island Training School (RITS) Girls Facility and instead move the girls unit from its existing location to the current dilapidated, vermin infested buildings from which DCYF plans to remove the boys, underscores the inequities the girls face at the RITS. Despite the assurances that girls are being provided gender specific programming even though they do not have access to the limited vocational education available to the boys, it appears that once again girls will be shortchanged at the RITS.

All caring citizens of Rhode Island should make their voices heard in the coming days, weeks, and months of this budget season as every citizen will be impacted by the successful or unsuccessful transition of youth who will be leaving the care of DCYF and returning to their communities to function as adults if the proposed changes are realized.

Jametta Alston, Esq.
Child Advocate.

QUESTIONS FROM KIDS IN CARE

Rhode Island Training School resident: What are the rules for pat searches and strip searches?

RITS policy states that the circumstances in which a resident may be pat-searched are: upon admission or intake, return from runaway status, return from pass, return from work release, return from court and after all visiting sessions. There must be probable cause to perform a strip search.

Group home resident: Are we allowed to speak with the OCA without staff listening to our conversation?

All children in DCYF care are allowed to speak with their private attorney, CASA attorney or anyone

from the Office of the Child Advocate without a staff member present. Children should not be monitored during these calls.

Group home resident: What can I do if I don't like the food that is served or if I think that we are not given choices of food to eat?

First, you should always speak with a direct care staff. If you feel that your concerns have not been addressed, you can speak to the program supervisor, clinician, residential director, clinical director and/or the executive director of the facility in which you live. The Child Care Rules and Regulations require programs to provide at least three well-balanced meals a day. Programs cannot deprive children of food or water for any reason.



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OCA SPOTLIGHTS AMY COSINEAU CHILD ADVOCATE OF THE MONTH



Each and every child is precious, vulnerable and worthy of protection and care. The only way in which the welfare and safety of every child can be ensured is to encourage every citizen to be an advocate for children. Beginning this month, the OCA spotlights an outstanding individual in Rhode Island who has demonstrated a commitment to protecting and/or improving the lives of Rhode Island children. The OCA is pleased to launch its Child Advocate of the Month with its first honoree, Amy Cousineau.

Amy Cousineau, LICSW exemplifies what it means to be a child advocate. Amy, a graduate of Smith College, is a clinical social worker at Bradley Hospital in East Providence, Rhode Island. Prior to moving into her current position in 2002, Amy acquired extensive experience in Residential Treatment working at Meadowridge Behavioral Center in Swansea, Massachusetts.

Amy came to the attention of the Office of the Child Advocate in July 2006 as she was working with an adolescent client on a very complicated and highly sensitive case which the OCA is monitoring. Amy's tireless efforts in working to ensure that the best interest of the child is served favorably impressed the OCA. Amy continues to work with and on behalf of the child while maintaining an exceptional level of professionalism with all parties involved. She has also reached out to the child's family members and has advocated on their behalf as well. Amy has faced enormous pressure from many sources with respect to this child and she has been successful in standing firmly, speaking cogently, and fighting diligently to protect the child and ensure that the child and family get the services they need. Her commitment and dedication is exemplary.

The OCA encourages you to recommend outstanding advocates for children. Please send your recommendation along with an explanation of how the person you are recommending has helped better the lives of children. Send recommendations to:
Malmeida@gw.doa.state.ri.us

CHILD ADVOCATE OPENS SATELLITE OFFICE AT TRAINING SCHOOL



Jametta Alston, Child Advocate (R), and Michele Paliotta (L), Senior Monitor, share information about children's rights with residents at the Rhode Island Training School.

The OCA opened its satellite office at the Rhode Island Training School (RITS) this summer with an open house attended by RITS' resident representatives, teachers, juvenile probation workers, social workers, medical staff, administrators, and guests. The satellite office has increased the OCA's visibility at the Training School during the past year. The OCA staff has attended basketball games, family fairs, holiday parties, performances, and graduations at the Training School. Suggestion boxes have been placed in every unit as well as in the school building and the cafeteria. The OCA's presence at the Training School has made the OCA acutely aware that the facility is grossly understaffed with insufficient numbers of Juvenile Probation Workers and inadequate numbers of Unit Managers creating unsafe conditions for residents and workers alike.

The Rhode Island Office of the Child Advocate (OCA) is an independent and autonomous Rhode Island state agency responsible for protecting the legal rights and interests of children in state care. These rights include, but are not limited to a child's right to appropriate placement, healthcare and education, and to be treated with dignity and respect.



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HAVE YOU HEARD?

❖ Youth in DCYF care rallied at the Rhode Island State House on February 13, 2007 to protest the Governor's requested budget cuts which would force youth out of state care on their 18th birthday. Mobilizing people with the call, "18 Should be a Birthday not a Doomsday," the youth organizers made a passionate appeal to adequately fund DCYF.

❖ The Children's Defense Fund Action Council released its 2006 Nonpartisan Congressional Scorecard on how well Congress protected children and gave high marks to U.S. Senator Jack Reed and former U.S. Senator Lincoln Chafee. In fact, both were among 26 Senators who scored 100 percent on key votes affecting children. Rhode Island was ranked no. 4 in the best state Congressional delegations for children.

❖ According to data released by Rhode Island Kids Count, 15 percent of Rhode Island students who should have graduated in 2006 dropped out between ninth and twelfth grade.

❖ The 16th National Conference on Child Abuse and Neglect will be held April 16-21, 2007 at the Oregon Convention Center in Portland, Oregon. The conference is sponsored by the Children's Bureau, U.S. Department of Health and Human Services. The conference theme is "Protecting Children, Promoting Healthy Families, and Preserving Communities."

❖ The Adoption Rhode Island Heart Gallery 2007 is on exhibit at the Centreville Savings Bank in February and the Hope Street branch of the Providence Public Library in March.

HIGHLIGHTS FROM THE 2006 LEGISLATIVE SESSION

The 2006 Legislative Session produced a number of major changes to the laws affecting children in Rhode Island. A comprehensive summary of this legislation will be available on the Office of the Child Advocate's website. Key legislation is highlighted below.

Several major legislative changes have been effectuated in the realm of children's health, including legislation which requires RI schools to offer healthier beverages beginning January 1, 2007 and healthier snacks beginning January 1, 2008; the FY 2007 budget which renders any non-citizen children not receiving medical assistance as of December 31, 2006 ineligible for the medical assistance program, including those lawfully admitted for permanent residence; and legislation that implements a liquid resource test for eligibility to the medical assistance and child care assistance programs.

Key legislation passed in the area of child safety includes the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which provides for enforcement of a foreign protection order by a RI tribunal; legislation requiring DHS, in collaboration with other organizations, to develop and implement a comprehensive, statewide initiative to reduce death and disability resulting from Shaken Baby Syndrome; and legislation which requires persons who commit first degree child molestation sexual assault on or after January 1, 2007, and meet other specified requirements, to be monitored by a global positioning system.

ENCOURAGING SIBLING VISITS

In an effort to ensure that every child or youth in a residential treatment facility or group home who wants a visit with a sibling or his or her own child may have such a visit, OCA is making a form letter available which requests the OCA's assistance in securing a desired visit. Thanks to the assistance of OCA intern, Jasmine Lopez, the form is available in English and Spanish. A resident need only complete the request form by filling in the child's name and the name of the person with whom the child resides and forwarding that information to the OCA. Children in care do not only need adequate programs and appropriate staff but the support, love and nurturing of their families and their communities, too.

Sibling visit request forms and other assistance request forms will be available online at www.child-advocate.state.ri.us



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SHOULD I CALL CHILD PROTECTIVE SERVICES?

Pursuant to §40-11-3 of the Rhode Island General Laws, "All persons in Rhode Island who have reasonable cause to know or suspect that any child has been abused and/or neglected or has been a victim of sexual abuse by another child, are required to report this information to DCYF within 24 hours."

Working in a residential placement, group home or providing foster care to children can be a very rewarding but demanding and confusing job. Sometimes workers are faced with ethical and moral dilemmas about treating children placed in their care. They must rely on their co-workers to provide safe and appropriate care for children, a factor which sometimes makes it all the more difficult to determine when to call the Child Protective Service (CPS). Caretakers for children must call CPS anytime they either suspect or are certain that a child has been abused or neglected. Failure to report is a misdemeanor. Calls to CPS can be anonymous.

Once CPS receives a call to the toll free hotline, it determines whether the alleged incident should be investigated. If an alleged incident is investigated there are three possible outcomes: unfounded, indicated or information/referral. An unfounded claim means that there was not a preponderance of evidence to indicate that a child has been abused or neglected. Indicated means that there was a preponderance of evidence to substantiate a claim that a child has been abused or neglected. An information/referral means that perhaps policy or program changes need to be made to ensure the safety of children. In all cases the CPS investigator will contact the identified reporter with the results.

*The toll free Child Abuse and Neglect number is
1-800-RI-CHILD (1-800-742-4453).*

*For more information about R.I. Gen. Laws go
to <http://www.rilin.state.ri.us/Statutes/Statutes.html>*

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NIGHT TO NIGHT

A constant bane that has existed for DCYF has been the Night to Night Placement of children. Unfortunately, the numbers have been steadily increasing during the last year. Although the numbers are not equal to the levels that prompted a law suit and its subsequent Motion of Contempt, it is a problem that has not been resolved.

The rise in poverty in Rhode Island, the failure to license foster homes in a timely fashion, and interventions practiced by Truancy Court have led to the increase of children being placed into DCYF care. Further, it has come to the attention of the Office of the Child Advocate that children are placed in provider networks, moved to different houses, yet are not recorded as statistics of Night to Night. Accordingly, the numbers may be even greater than we realize.

The OCA continues to battle the problem by supporting community wrap-around services wherever feasible as an alternative to removing a child from the home, exploring how the licensing process at DCYF can be improved and made to work expeditiously effectively and efficiently and; continuing dialogue with DCYF about less intrusive but more effective ways to achieve safety for children.

VICTIM COMPENSATION

The Office of the Child Advocate may file compensation claims for any child who is a victim of a crime and in the care of the Department of Children, Youth, and Families (DCYF). Compensation awarded belongs to the estate of the child. The Office of the Child Advocate, acting as guardian *ad litem*, may receive and hold in trust the awarded funds for the benefit of the child until the child reaches the age of majority. Additional information on the Project Victim Services Program may be obtained by contacting OCA Staff Attorney Kelly Monteiro, Esq. by telephone at (401) 222-6650 or by email at kmonteiro@gw.doa.state.ri.us.